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**MEMO ENDORSED**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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COMBINED TACTICAL SYSTEMS, INC., : Civil No. 04 CIV. 8924 (MGC)  
Plaintiff, : Hon. Miriam Goldman Cedarbaum  
vs. :  
DEFENSE TECHNOLOGY : UNOPPOSED MOTION FOR LEAVE TO  
CORPORATION OF AMERICA, and : AMEND DTCA'S ANSWER TO THE  
FEDERAL LABORATORIES, INC., : FIRST AMENDED COMPLAINT  
Defendants. :  
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Defendants Defense Technology Corporation of America and Federal Laboratories, Inc. (collectively, "DTCA") move this Court for leave to amend DTCA's Answer to the First Amended Complaint filed on March 8, 2007. DTCA has since engaged in sales of its accused 23DS Drag-Stabilized Bean Bag Rounds to the United States government. DTCA seeks to amend its Answer to the First Amended Complaint to include an affirmative defense that DTCA is not liable for damages stemming from sales to the United States under 28 U.S.C. § 1498(a), which reads in part:

Whenever an invention described in and covered by a patent of the United States is used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, the owner's remedy shall be by action against the United States in the United States Court of Federal Claims for the recovery of his reasonable and entire compensation for such use and manufacture.

Unopposed motion granted.

So ordered.  
December 3, 2007

31, United States District Judge